

Message Text

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ORIGIN OES-07

INFO OCT-01 ARA-10 EUR-12 EA-09 NEA-10 ISO-00 COME-00

L-03 INT-05 EB-07 DODE-00 CG-00 DOTE-00 CIAE-00

INR-07 NSAE-00 TRSE-00 SS-15 NSF-02 /088 R

DRAFTED BY OES/OFA/MST:WLSULLIVAN:MJB

APPROVED BY OES/OFA/MST:WLSULLIVAN

OES/OFA/FA - MR. ZUCCA (DRAFT)

COMM/NMFS - MR. BLONDIN (SUB)

L/OES - MRS. HOINKES (DRAFT)

EA/J - MR. ECTON (DRAFT)

-----212202Z 125321 /62

R 211149Z MAY 77

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

INFO AMCONSUL CASABLANCA

AMEMBASSY COPENHAGEN

AMEMBASSY MEXICO

UNCLAS STATE 117446

FOR FISHATTS

E.O. 11652: N/A

TAGS: EFIS, TGEN, JA, US, OCLR

SUBJECT: JAPANESE FISHERIES RESEARCH

1. FOLLOWING SELF-EXPLANATORY NOTE DELIVERED JAPANESE
EMBOFF. IN DELIVERING NOTE, DEPTOFF EMPHASIZED THAT GOJ
NOTES DELIEVERED AT SAME TIME AS SAILING OF VESSEL, AS IN
ALL THREE OF THESE CASES, SIMPLY NOT ADEQUATE AND THAT ALL
SUCH COOPERATIVE RESEARCH UNDERTAKINGS MUST BE WORKED OUT
SUFFICIENTLY IN ADVANCE WITH NMFS. WE ARE NOT ESTABLISHING
ANY DEADLINES, BUT THE EARLIER DIRECT CONSULTATIONS ARE
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STARTED THE BETTER. WE WILL NOT BE ABLE TO CONSIDER SUCH
ACTIVITIES AS COOPERATIVE RESEARCH UNLESS SUCH PROCEDURES
ARE FOLLOWED IN FUTURE. IT WAS ALSO MADE CLEAR THAT PRO-
VISION OF THE DATA AND RESULTS IS AN ABSOLUTE REQUIREMENT,
ALTHOUGH WE HAVE NO DOUBT THIS WILL BE DONE FROM PAST
EXPERIENCE. TOKYO REQUESTED TO FOLLOW-UP AS APPROPRIATE.

2. DETAILS ON RESEARCH AND PORT CALLS BEING PROVIDED
COGUARD AND NORTHWEST FISHERIES CENTER SEPARATELY BY
OES/OFA/MST.

3. BEGIN TEXT:

-----THE DEPARTMENT OF STATE ACKNOWLEDGES RECEIPT

OF THE EMBASSY OF JAPAN'S NOTES E-20 OF APRIL 27,
1977, E-28 OF MAY 12, 1977, AND E-29 OF MAY 13, 1977
CONCERNING FISHERIES RESEARCH IN AREAS OFF ALASKA TO
BE CONDUCTED BY THE FISHERIES RESEARCH VESSELS
"SHUNYO-MARU", "TANSHU MARU", AND "WAKATAKE-MARU",
AND REQUESTING COURTESIES OF THE PORT FOR THE
"SHUNYO-MARU".

-----THE DEPARTMENT OF STATE CALLS THE ATTENTION OF
THE EMBASSY OF JAPAN TO THE FOLLOWING POLICY GUIDE-
LINES CONCERNING SCIENTIFIC RESEARCH IN THE FISHERIES
CONSERVATION ZONE OF THE UNITED STATES ESTABLISHED
BY THE FISHERY CONSERVATION AND MANAGEMENT ACT OF
1976:

-----"SCIENTIFIC RESEARCH, INCLUDING FISHERIES
-----RESEARCH, IS SPECIFICALLY EXCLUDED FROM THE TERM
-----'FISHING' IN SECTION 3(10) OF THE FISHERY CON-
-----SERVATION AND MANAGEMENT ACT OF 1976. IT SHOULD
-----BE NOTED, HOWEVER, THAT THE FOLLOWING SPECIFIC
-----ACTIVITIES ARE CONSIDERED TO BE FISHING WITHIN
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-----THE MEANING OF THE ACT, AND THEREFORE REQUIRE A
-----PERMIT ISSUED IN ACCORDANCE WITH SECTION 204:

-----ANY ACTIVITY INVOLVING THE CATCHING,
-----TAKING OR HARVESTING OF FISH IN
-----COMMERCIAL QUANTITIES, OR THE USE OF
-----GEAR CAPABLE OF CATCHING, TAKING, OR
-----HARVESTING FISH IN COMMERCIAL QUANTI-
-----TIES, INCLUDING:

-----1) THE CONDUCTING OF TESTS OF
-----FISHING GEAR; OR

-----2) FISHING CARRIED OUT FOR THE
-----PURPOSE OF TRAINING FISHERMEN.

-----FISHERIES RESEARCH WHICH ASSISTS IN THE CONSERVA-
-----TION AND MANAGEMENT OF THE STOCKS, AND THE
-----IDENTIFICATION OF THE FISHERY RESOURCES OF THE

-----FISHERIES CONSERVATION ZONE IS ENCOURAGED. WITH
-----THIS IN MIND, THE SPECIFIC ACTIVITIES OUTLINED
-----ABOVE, WHEN UNDERTAKEN IN FULL COOPERATION WITH
-----THE UNITED STATES, SHALL NOT BE DEEMED TO BE
-----FISHING WITHIN THE MEANING OF THE ACT."

-----IT WOULD APPEAR THAT THE ACTIVITIES OF THE VESSELS
IN QUESTION WOULD CONSTITUTE FISHING WITHIN THE MEANING
OF THE ACT AND REQUIRE A PERMIT, UNLESS UNDERTAKEN IN

FULL COOPERATION WITH THE UNITED STATES. THE NOTICE
GIVEN IN THE ABOVE-MENTIONED NOTES WOULD NOT NORMALLY
BE CONSIDERED TO CONSTITUTE FULL COOPERATION WITHIN
THE MEANING OF THE GUIDELINES. HOWEVER, IN VIEW OF
THE PAST COOPERATION BETWEEN JAPAN AND THE UNITED
STATES CONCERNING FISHERIES RESEARCH, THE AGREEMENT
BETWEEN JAPAN AND THE UNITED STATES CONCERNING FISHING
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WITHIN THE FISHERY CONSERVATION ,ONE, AND THE FACT
THAT THESE ARE THE FIRST SUCH CASES SINCE THE ENFORCE-
MENT DATE OF THE ABOVE-MENTIONED ACT, THE UNITED
STATES IS WILLING TO CONSIDER THE ACTIVITIES OF THE
VESSELS AS CONSTITUTING COOPERATIVE RESEARCH, PROVIDED
THAT FULL DATA AND RESULTS FROM THE RESEARCH ARE PRO-
VIDED TO THE NATIONAL MARINE FISHERIES SERVICE
EXPEDITIOUSLY AFTER CONCLUSION OF THE RESEARCH.

-----ACCORDINGLY, THE UNITED STATES COAST GUARD WILL
BE INFORMED THAT THE ABOVE-MENTIONED RESEARCH VESSELS
ARE CONDUCTING FISHERIES RESEARCH WHICH DOES NOT REQUIRE
A PERMIT.

-----THE UNITED STATES DOES NOT WISH TO ESTABLISH
SPECIFIC CRITERIA FOR COOPERATION WITHIN THE MEANING
OF THE GUIDELINES AT THIS TIME. HOWEVER, SUCH COOPERA-
TION WOULD NORMALLY INCLUDE SUCH FACTORS AS: SUFFICIENT
ADVANCE NOTICE SO THAT THE NATIONAL MARINE FISHERIES
SERVICE MAY CONSIDER THE PROPOSED RESEARCH AND DETERMINE
WHETHER IT WISHES TO PARTICIPATE IN THE PLANNING OR THE
CONDUCT OF THE RESEARCH, AN UNDERTAKING TO EMBARK
SCIENTISTS OR OBSERVERS FROM THE UNITED STATES FOR THE
PERIOD IN WHICH THE VESSEL IS OPERATING IN THE ZONE,
AND A COMMITMENT TO PROVIDE THE DATA AND RESULTS UPON
CONCLUSION OF THE RESEARCH. ARRANGEMENTS CONCERNING
SUCH COOPERATION SHOULD BE WORKED OUT DIRECTLY BY THE
APPROPRIATE JAPANESE AUTHORITIES WITH THE APPROPRIATE
FISHERIES CENTER OF THE NATIONAL MARINE FISHERIES
SERVICE. IN THIS CASE THE APPROPRIATE CENTER WOULD
HAVE BEEN THE NORTHWEST FISHERIES CENTER IN SEATTLE,

WASHINGTON. WHEN SUCH ARRANGEMENTS CONCERNING COOPERATIVE RESEARCH IN THE ZONE ARE WORKED OUT DIRECTLY TO THE SATISFACTION OF THE APPROPRIATE CENTER IT WILL INFORM THE UNITED STATES COAST GUARD DIRECTLY, AND NO NOTICE OF THE RESEARCH THROUGH DIPLOMATIC CHANNELS
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IS REQUIRED.

-----WHEN ACTIVITIES WHICH CONSTITUTE FISHING WITHIN THE MEANING OF THE ABOVE-MENTIONED GUIDELINES ARE TO BE CONDUCTED IN THE ZONE WITHOUT FULL COOPERATION WITH THE UNITED STATES A PERMIT MUST BE OBTAINED IN THE

USUAL MANNER.

-----THE DEPARTMENT OF STATE WOULD APPRECIATE IT IF THIS INFORMATION COULD BE BROUGHT TO THE ATTENTION OF THE APPROPRIATE JAPANESE AUTHORITIES.

-----THE APPROPRIATE UNITED STATES AUTHORITIES HAVE BEEN REQUESTED TO ACCORD THE USUAL COURTESIES AND PRIVILEGES OF THE PORT TO THE "SHUNYO-MARU" FOR THE CALLS LISTED IN THE NOTE OF APRIL 27.

DEPARTMENT OF STATE,
-----WASHINGTON, MAY 20, 1977

END TEXT. CHRISTOPHER

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Message Attributes

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Sent Date: 21-May-1977 12:00:00 am
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Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Event:
Disposition History: n/a
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